DOCUMENT RESUME

ED 252 924 EA 017 411

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TITLE Win-Win Bargaining: Thirty Days to a Contract.
PUB DATE Nov 84
NOTE 5p.; Paper presented at the Annual Meeting of the Association of Negotiators and Contract Administrators (Clearwater Beach, FL, November 7-9, 1984).
PUB TYPE Reports - Descriptive (141)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Collective Bargaining; Elementary Secondary Education; *Methods; *Models; Negotiation Agreements; *Organizational Development; Problem Solving; *Public School Teachers
IDENTIFIERS Board Teacher Relationship; *Consensus Models; *Win Win Bargaining

ABSTRACT

Using an innovative bargaining model, a Chicago-area (Illinois) school district negotiated a teacher contract in under 30 days in an atmosphere of mutual trust. Central to sociologist Irving Goldaber's "win-win bargaining" model are (1) a schedule and a set of values agreed to by both parties and (2) a neutral facilitator. After adopting this model in spring 1984, the school board and the teachers' association of Consolidated High School District 230 set a ratification deadline, scheduled negotiations in June, and adopted 48 "win-win protocols" to govern the negotiations. On the weekend of June 1st, the seven-member school board and seven teacher representatives met for the first of two weekend sessions. After posing and discussing 93 questions, the group divided the questions into 4 categories and formed a negotiating committee for each category. After 3 weeks of committee meetings, the entire bargaining group was reconvened to resolve remaining differences. A contract was approved after a 16-hour Saturday session. By the following Wednesday evening, it had been written in final form and ratified by both parties. (MCG)

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WIN-WIN BARGAINING: THIRTY DAYS TO A CONTRACT

by Karen M. Moriarty, Ed.D.

"FLIGHT-PLANNING"--setting your destination before beginning--is a key concept in win-win bargaining. A mutual commitment to settling on a pre-established date--within thirty days--is made by the Board and the union through the assistance of a neutral facilitator.

Another required ingredient of win-win negotiations is the adoption by both sides of a clearly articulated value system. This set of values is different from the traditional, adversarial model of bargaining. According to the Goldaber model of win-win, traditional bargaining has been based upon an international model of opposing values between the sides. In contrast, the win-win model incorporates an intranational model with shared goals, in this case, the survival and good of the district. Sociologist Goldaber draws an analogy to the sports model, in which team owners, recognizing the good of the league as the priority in their planning and decision-making, cooperate and never lose focus upon this shared value. It is the fans in the seats or bleachers that play out the adversarial role that is characteristic of the international model; the fans want the defeat of the other team. While the owners simulate the win-win model, as proposed by Irving Goldaber, the fans' behavior and direction are analogous to some of the behaviors that are characteristic of the win-lose mentality in traditional collective bargaining.

The values inherent in win-win bargaining as well as the advantages and disadvantages of this approach are appropriate and interesting topics for another article, but this presentation will describe the process of this model as it was utilized in District 230 in June of 1984.

In late winter, the district superintendent, controller, assistant superintendent for personnel, two Board members, and three teacher negotiations team members attended a win-win workshop conducted by Dr. Irving Goldaber. The three-day workshop, held from Thursday through Saturday morning, provided an orientation to the values of the model, the process, and its protocols. Present at the workshop were representatives from several districts--administrators and union leaders--in which the approach had been recently utilized successfully. The most noticeable shared characteristic of the districts was the historical labor strife and unrest that had been experienced in recent years, in one case exhibited by a thirty-one day strike and more than one year

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Dr. Karen Moriarty is the Assistant Superintendent for Personnel of Consolidated High School District 230, a three high school district in southwest Cook County; administrative offices are located in Palos Hills, Illinois. The district population consists of nearly 6,000 students and 660 employees, for which there are five recognized unions/associations for the bargaining units of teachers, secretarial personnel, maintenance workers, bus drivers, and food service employees. The district experienced a five-day teachers' strike in each of the last two contract years, 1980 and 1982.

Dr. Irving Goldaber, a sociologist who has specialized in conflict management, served as the neutral facilitator in the win-win bargaining process utilized by District 230 in 1984. Dr. Goldaber currently lives in Miami, Florida.

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of unsuccessful court-ordered bargaining.

By Saturday at noon the eight participants from District 230 were ready to recommend to their respective constituencies the adoption of this model for the teacher contract that was due to expire in the summer of 1984. During the coming days and weeks several meetings were held to discuss the potential merits of win-win bargaining for the district.

Dr. Goldaber, who agreed to serve as the required neutral facilitator, came to meet for two hours with the Board of Education and key administrators and for another two hours with the teachers' association representatives. After these meetings, the two sides were willing to make a commitment to the win-win process.

Following this decision, a number of significant events occurred to prepare for the success of the bargaining process. First, the "flight-planning" was effected in that the projected ratification date of the contract was set by both sides, the Board and the association. Two required weekends were set so that calendars could be cleared and arrangements made for these extensive sessions. Information was readily and openly shared, including the financial records of the district and other assorted data related to the district and its employees, e.g., current salary and experiential data; the budget; audit; and enrollment and economic projections for the next two-plus years.

The formal adoption of forty-eight win-win protocols, i.e., rules that would govern the entire process, was undertaken by both the Board and the association. These written protocols had been recommended by Dr. Goldaber but were modified based upon the wishes of the Board and the association negotiations team. The most significant change was the addition of a protocol regarding communications with the media during the bargaining process. It was agreed that all communications would come from the Board president and the association president jointly throughout the course of the thirty-day period. This protocol emphasizes the unique nature of the win-win process, and it also symbolizes its "highly civilized" and cooperative mode--as the Board and association presidents characterized win-win negotiations for the local media after its successful resolution.

Another significant departure from more traditional bargaining is the condition that the entire Board become directly involved in negotiating the contract with the teachers' association team. All seven members of the Board participated in negotiations with all seven members of the association team. Three resource persons for each team were also directly involved--the superintendent, assistant superintendent for personnel, and controller from the administration on behalf of the Board and the association president, I.E.A. UniServ Director, and a district teacher for the teachers' team. (This aspect of the process might serve as the topic for another article and possible controversy because of the pervasiveness and intensity of the process and the time commitment required of all twenty persons.)

On the weekend of June first, all twenty persons and the facilitator met in a comfortable, quiet, and neutral place--in this case, a room at the local community college student center--for Friday evening, all day Saturday, and Sunday morning. The purpose of the weekend was to discuss all matters related to the district, the relationships between Board/administration and teachers,

educational issues, labor issues, and questions regarding these matters. Each team had prepared problems in question form on large sheets of paper, which were hung on the walls of the room--24 on the Board side and 69 on the teachers' side. The protocols called for discussion of each one until four seconds of silence ensued, which would represent the exhaustion of that given question and would trigger the facilitator's directing the group discussion to the next question. One Board question would be discussed by both sides until its exhaustion, then one teacher question, back to another Board question, etc., until all 93 questions were completed.

The four hours on Friday evening passed quickly, but only the first three questions were discussed to completion. The more-than-twelve hours on Saturday resulted in the discussion of the remaining ninety questions. Throughout the day meals were catered in so that discussions could continue and the mood and feeling of the process would not be interrupted.

On Sunday the teams met to sort the 93 questions according to four categories, which would form the basis of the four committees that would actually negotiate the contract. No negotiations occurred that first weekend--only questioning and open discussion of issues, concerns, complaints, and hopes for the future. On Sunday the four committees were also formed--Compensation and Benefits, Rights, Working Conditions, and Non-Contractual Matters. On each committee, two Board members and one resource person, i.e., one of the three administrators, were assigned by the Board president, and two corresponding "voting members" and one of their resource persons were assigned by the association president. These six-person committees then met, independently of each other, during the following three weeks in order to deal with the questions, or topics, of that committee, as they had been assigned from the original 93 "weekend" questions. During these three weeks the Board held meetings and the association members met in order to check with their respective colleagues the directions of the committee sessions. The four committees thereby made commitments on behalf of their respective constituencies.

At the end of the three weeks of committee meetings--each committee met from four to six times--another pre-arranged weekend was utilized for the resolution of unresolved issues. Again, all twenty persons met with the neutral facilitator in a sixteen-hour session on Saturday--the fourth weekend in June--until all issues were resolved and a contract was achieved. The commitment to meet until contract resolution was ever-apparent during the process on that Saturday. Discussion was lively and sometimes emotionally-charged but it was always controlled; both the group process and the facilitator served as a guide to rationality and a positive focus. At any time each side could call for a private meeting--an analogue to the traditional caucus--during this last marathon session.

When the contract was resolved at midnight, there were open expressions of elation shared among the Board, administrators, and teacher representatives. On Monday a committee of two Board members, the assistant superintendent, the Board attorney, and four teacher representatives met to write the final language of the contract. On Tuesday evening the teachers' association met with the membership for ratification, and on Wednesday evening the Board held a special meeting to ratify the contract. A party was held after that Board meeting for all twenty persons. The process had formally begun on June first, and both ratification and celebration party occurred on June 27th. District 230 had a new contract, and, as had been predicted by Dr. Goldaber, both sides acknowledged

that indeed both sides had won. Perhaps of more importance, the process had led to mutual trust in that several issues were settled by verbal agreement rather than by contract language.

Not a panacea perhaps, but win-win for District 230 was in fact a process that brought about a mutually acceptable agreement; a greater level of understanding, trust, and respect; and a genuine Board-association contract. The process included significantly non-traditional negotiations values; dramatically changed roles of administrators, Board members, and attorney; an intensive time commitment; a pre-arranged time frame and commitment to cooperation; a new jargon born of the model; and, during the weekend sessions, the use of a neutral facilitator, whose role paradoxically was most effective in that he controlled the process but sometimes did not speak for hours at a time.

In the win-win model, "there are no secrets," and the openness can raise anxiety and a fear of vulnerability on both sides. However, in District 230 the mutual commitment to the process prevailed and resulted in the successful resolution of a two-year teachers' contract and an improved Board/administration and teacher relationship...and within thirty days.

Disseminated as part of a presentation made at the Annual Conference of the Association of Negotiators and Contract Administrators, held from November 7-9, 1984 at Clearwater Beach, Florida.